

3/21/96

CONGRESSIONAL REFERENCE

To The

UNITED STATES COURT OF FEDERAL CLAIMS

Congressional Reference No. 95-338X

INSLAW, Inc., a Delaware Corporation,  
and WILLIAM A. HAMILTON and  
NANCY BURKE HAMILTON,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendants.

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AFFIDAVIT OF JOE N. PATE

Personally appeared before me, an officer duly authorized to administer oaths, JOE N. PATE who deposes and says:

My name is Joe N. Pate. I reside in Gaithersburg, Maryland. I am an adult sui juris and I have personal knowledge of the facts recited in this affidavit. Also, I make this affidavit of my own free will and I have not been promised or paid anything by anyone to make this affidavit.

In November 1991, while employed by Town and Country Properties in Gaithersburg, Maryland, I met with Mr. Gerard Schultz who was then relocating as a computer systems employee of the Internal Revenue Service from the St. Louis, Missouri area, specifically Plain Field, Illinois, to the Washington, D.C. area. Mr. Schultz told me that he provided computer programming support for the Criminal Investigation Unit of IRS.

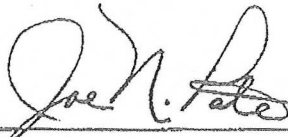
The purpose of my meeting with Mr. Schultz was to assist him and his wife in finding a home in the Washington, D.C. area. During our conversations, I explained to Mr. Schultz that I too had once worked for the federal government on computer systems because, until my retirement in 1980 as the Chief Contracting Officer for the Justice Department's Law Enforcement Assistance Administration (LEAA), I had supervised all of LEAA's contracts, including its contracts on computer systems projects.

Moreover, I told Mr. Schultz that I had administered contracts between the Justice Department's LEAA and INSLAW regarding the PROMIS computer software product that had, in recent years, been the subject of extensive litigation and publicity.

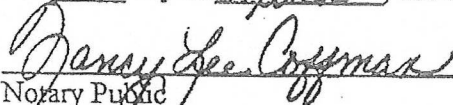
Mr. Schultz told me that the IRS was, in fact, attempting to use the same PROMIS software but was encountering some difficulties and that his responsibilities included providing support to IRS' Criminal Investigation Unit on the use of PROMIS.

I regarded this information as very significant because I was unaware that INSLAW had licensed PROMIS to IRS. I therefore telephoned and Fax'ed William A. Hamilton, President of INSLAW, in mid-November 1991 and gave him Mr. Schultz' name and his office telephone number in IRS' Computer Systems component in Northern Virginia. The IRS telephone number for Mr. Schultz that I gave to Mr. Hamilton was (703) 235-0173. Attached to this affidavit as Exhibit 1 is a copy of my fax to Mr. Hamilton on this subject, dated November 19, 1991.

FURTHER AFFIANT SAYETH NOT.

  
JOE N. PATE

Sworn to and subscribed before me,  
this 21 day of March, 1996.

  
Notary Public